

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 469

Honorable Members  
Twenty-Second Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 469, entitled "A Bill for an Act Relating to Employment Practices."

The purpose of this bill is to add a new section to part I of chapter 378, titled "Discriminatory Practices," of the Hawaii Revised Statutes, which prohibits an employer or labor organization from discriminating against an employee who uses accrued and available sick leave in accordance with the terms of a valid collective bargaining agreement or an employer's employment policy.

This bill is objectionable because there is no identified need to legislate in this particular area. Matters pertaining to leave should be determined by collective bargaining negotiations or by company policies. This law could lead to extensive abuse of sick leave disrupting the operations and services of private firms, lead to increased costs, and discriminate against employees who abide by company rules.

Under the federal Family and Medical Leave Act, employees who use leave pursuant to that Act are protected from discrimination; under the state Family Leave law, employees also have certain protections. This bill is also objectionable because it protects those employees who abuse sick leave benefits by preventing employers from disciplining employees for excessive absences if the absences qualify for sick leave under collective bargaining agreements or employers' policies. Finally, this bill

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 469  
Page 2

may, in fact, discourage employers from providing sick leave to their employees.

For the foregoing reasons, I am returning Senate Bill No. 469 without my approval.

Respectfully,

LINDA LINGLE  
Governor of Hawaii